

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING MINUTES**

**DATE:** September 21, 2007

**TIME:** 9:00 am Both Days

**LOCATION:** Westin Los Angeles Airport  
5400 West Century Blvd.  
Los Angeles, CA 90045

**PRESENT:** LaFrancine Tate, Public Member, President  
Susanne Phillips, MSN, RN, APRN-BC, FNP, Vice-President  
Andrea Guillen Dutton, Public Member  
Carmen Morales-Board, MSN, RNC, NP  
Elizabeth O. Dietz, Ed.D., RN, CS-NP  
Grace Corse, RN  
Janice Glaab, Public Member  
Nancy L. Beecham, RNC, BS

**NOT PRESENT:** Nancy L. Beecham, RNC, BS (09/20/07)  
Janice Glaab, Public Member (09/21/07)

**ALSO PRESENT:** Ruth Ann Terry, MPH, RN, Executive Officer  
Heidi Goodman, Assistant Executive Officer  
Christina Sprigg, Manager, Licensee and Administrative Services  
Elliot Hochberg, Manager, Enforcement Program  
Carol Stanford, Manager, Diversion/Probation Program  
Louisa Gomez, Manager, Licensing Standards & Evaluation; Advanced Practice  
Louise Bailey, MEd, RN, Supervising NEC  
Miyo Minato, MN, RN, NEC  
Katie Daugherty, MN, RN, NEC  
Geri Nibbs, RN, MN  
Carol Mackay, RN, NEC  
Vincent Nafarrete, Administrative Law Judge  
Linda Sun, Deputy Attorney General  
Brian Walsh, Deputy Attorney General  
Don Chang, DCA, Legal Counsel  
Harry Gibbons, DCA Legal Counsel  
Kimberly Ott, Enforcement Program  
Eleanor Calhoun, Recording Secretary

**Thursday, September 20, 2007**

**1.0 CALL TO ORDER**

L. Tate, Board President, called the meeting to order at 9:00 am and had the Board Members introduce themselves. The Board welcomed students from California State University Fullerton, and DeAnza College

**2.0 DISCIPLINARY MATTERS**

The Board convened in closed session pursuant to Government Code Section 11126(c)(3) to deliberate on these matters and other disciplinary matters including stipulations and proposed decisions, and pursuant to Government Code Section 11126(e)(1, 2(A)) to confer with Legal Counsel regarding pending litigation.

CATHEY, Yvonne

GARCIA, Charlotte

GETZEN, Rita Jane

HABERSHAM, BEVERLY

ORDANZA, WILBERT

DENIED

GRANTED, 3 years probation

GRANTED, 3 years probation

GRANTED, 5 years probation

GRANTED

**Closed Session Discussion Items**

L. Tate, Board President, called the closed session meeting to order at 12:30 pm. The closed session adjourned at 2:00 pm.

**Friday, September 21, 2007**

L. Tate, Board President, called the meeting to order at 9:00 am and had the Board Members introduce themselves.

**3.0 OPEN FORUM**

None

**4.0 APPROVE/NOT APPROVE MINUTES OF June 7-8, 2007 Board Meeting**

MSC: Phillips/Corse that the Board approve minutes from the June 7-8, 2007 Board Meeting. 7/0/0

**5.0 REPORT ON BOARD MEMBERS' ACTIVITIES**

L. Tate attended NCSBN Annual Meeting in Chicago on August 7-10, 2007. She also attended the Medical Board of California and Board of Registered Nursing Joint Forum on the Use of Lasers for Cosmetic Procedures on August 30, 2007 in Anaheim, CA.

**6.0 EXECUTIVE OFFICERS' REPORT ON BOARD AND DEPARTMENT ACTIVITIES**

R. Terry presented this report

**1.0 Board's Budget Update**

Workload and Revenue – Alcidia Valim, the Board's Budget Analyst, completed the Workload and Revenue Schedule for FY 2006/07. A copy of the chart showing the actual workload for each revenue category for the five previous years as well as the projected workload for the next two fiscal years was provided

The number of RNs increased by 4% this past fiscal year. RNs endorsing into California was down by 5.8% compared to an 8.2% increase from the prior year. For the first time since 1999 the number of RNs leaving California was higher than those incoming with 16,220 endorsing out and 11,404 endorsing in. However, many of these RNs still maintain an active California license. First time exam applicants increased dramatically by 41% over last FY.

Purchase of Equipment for FY 2008/09 – Each year the Board must formally request/purchase equipment for the upcoming fiscal year. The Board is requesting new copiers and computers to replace existing equipment which will enable staff to work more efficiently. Additionally, we are requesting modular furniture drawers and shelves and the ability to replace existing office chairs.

## **2.0 Department of Consumer Affairs (DCA) Updates**

Board Member Orientation – In accordance with Business and Professions Code Section 453, Board Members are required to attend DCA's Board Member Orientation within one year of their appointment. The next orientation will be held in Sacramento on February 6, 2008.

Appointment - Katherine Williamson has been appointed as the Deputy Director of Administrative and Support Services and will be responsible for the management and oversight of all administrative and information technology services.

The Board wishes to acknowledge and thank Pam Wortman, who was the acting Deputy Director of Administrative and Support Services for all her dedication and diligent work during this time as well as during this year's budget cycle since she was also performing her duties as DCA's Fiscal Officer.

Dick Sullivan has been appointed as Deputy Chief, Field Operations and Enforcement to the Bureau of Automotive Repair. Mr. Sullivan has served the Bureau for 24 years; and most recently as Manager over Smog Check Field Operations and Enforcement.

Departures – Steve Castillo, Chief of the Internal Audit Office has accepted a position at a regional transportation agency in San Diego. Thi Huynh is the Acting Chief of the Internal Audit Office and she will continue to work with the Board on our final response to the 2007 Cashiering Unit Audit Report.

## **3.0 Public Record Request**

The Board continues to comply with public record request and responds within the required timeframes that are set in the Government Code Section 6250. For the period of June 1 through August 30, 2007, the Board has received and processed 98 public record requests.

## **4.0 Continuity of Operations/Continuity of Government (COOP/COG)**

State and Consumer Services Agency requested COOP/COG plan revisions be submitted by September 30, 2007. The requested revisions were for personnel changes i.e. phone numbers etc., and to transfer all existing documents to the Department's new letterhead.

## **5.0 NCSBN Board Investigator and Attorney Workshop**

On May 21 - 23, 2007, the National Council of State Boards of Nursing (NCSBN) sponsored its annual Investigator and Attorney Workshop in San Francisco, which was the first time, this workshop was held in California.

The program's first day was devoted to topics related to investigating a complex and volatile world. The second day of the program was dedicated to discipline in the age of technology, and included a case study presented by Supervising Investigator Patricia Miller. The third and last day of the workshop focused on hot topics in discipline. Elliot Hochberg, BRN Enforcement Program Manager did the final presentation for the workshop.

The Workshop attendees included attorneys, investigators and other member board staff from throughout the United States, numerous BRN staff, and the Interim Chief of the Division of Investigation, Rex Cowart.

## **6.0 Moore Foundation funding commitment given to open a nursing school at University of California Davis.**

Continuing its commitment to improving the quality of patient care and fostering nursing excellence through education, the Gordon and Betty Moore Foundation announced \$100 million in founding support to launch the Betty Irene Moore School of Nursing at the University of California Davis. A copy of the press release was provided.

## **7.0 The following personnel changes have transpired since the last Board Meeting:**

<b>New Hires</b>	<b>Classification</b>	<b>Board Program</b>
Kamini Narayan	Office Assistant	Office Support
Connie Johnson	Office Technician	Administration
Dexter Wong	Key Data Operator	Licensing Support
Angelique Kenoly	Office Technician	Call Center
<b>Promotions</b>	<b>Classification</b>	<b>Board Program</b>
Paul Stanley	Business Services	OfficerAdministration
Kristie Powel	Staff Services Analyst	Enforcement
<b>Separations</b>	<b>Classification</b>	<b>Board Program</b>
Jessica Barnes	Office Technician	Licensee Support
Kris Nowacki	Office Technician	Cashiering
Anthony Medina	Key Data Operator	Licensing Support
Rashana Wright	Office Technician	Diversion Program
Anthony Aguirre	Office Services Sup III	Licensee Support
Puiman Wong	Office Technician	Licensing Evaluation

## **7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE**

L. Tate, Chairperson

## **7.1 Information Only: California Governor's Nurse Education Initiative - Update**

Secretary Rosario Marin, State and Consumer Services Agency, Stephanie Leach, Assistant Secretary, Labor & Workforce Development Agency, Ken Sorber, VP of Strategic Relations, Western Governors University, and Jesus Oliva, Director, COPE Health Solutions

Governor Schwarzenegger established the Nurse Education Initiative in 2005 with a \$90 million 5-year investment. The Task Force is comprised of 5 Cabinet members, including Secretary Rosario Marin; the President of UC; and the Chancellors of the CSU and California Community College systems.

Secretary Marin provided opening remarks followed by Stephanie Leach who presented the Multi-Use Facilities Pilot, whose concept is to expand capacity of existing college nursing and allied healthcare programs by building additional classroom and lab facilities on school or hospital property. Hospital-school partnerships would fund the construction. Stephanie along with Ken Sober provided information on the Multi-State Approach to the Preparation of Registered Nurses (MAP-RN). Five national healthcare organizations have come together with Western Governor's University (WGU) and its Nurse Education Committee in the design, development, testing, and multi-state rollout of an accredited, online, accelerated, competency-based bachelor's degree program to prepare registered nurses with an enhanced blended clinical experience that includes in person and simulation methodologies.

Jesus Oliva presented the California Resident Education in Guadalajara RN Pilot Program with Sponsorship to Return to Serve in CA Hospital for 2 Years. The mission of this program is to address the nursing shortage in California by sending bilingual students on nursing school waiting lists to the University of Guadalajara (U. de G.) or University Autonoma de Guadalajara (UAG), in Guadalajara, Mexico for a 2-year nursing program. This project will increase diversity in the California nursing workforce/shortage by assisting bilingual students who have completed all prerequisites to enter nursing school immediately, and providing California hospitals experiencing a nursing shortage to hire linguistically and culturally competent nurses to provide competent care to California health care consumers. The anticipated cost of the program is \$20,000 per student for the full two years, including the cost of resident mentors and the NCLEX preparation.

This program would be funded by private donations.

*Comments: G. Clavreul, D. Fox, CNA*

## **7.2 Information Only: Approve/Not Approve BRN's Response to California Department of Education Agreement Related to Administration of Insulin at School by Unlicensed Personnel**

R. Terry presented this report

The California Department of Education (CDE) recently reached a settlement agreement in a law suit (K.C. et al. v. Jack O'Connell, et al.) and issued the attached legal advisory related to insulin administration to eligible students in public and charter schools. The advisory affirms that, based on federal and state law, eligible students are entitled to diabetic-related services in schools, including insulin administration. The advisory also specifies who is authorized to administer insulin and asserts that, based on federal law, unlicensed school personnel are authorized to

administer insulin under specified conditions. This assertion is a marked departure from CDE's prior position. The CDE's "Program Advisory on Medication Administration in Public Schools" and "Response to Frequently Asked Questions on Medication Administration Assistance in Schools" advise that, except for administration of glucagon and epinephrine for which there is an authorizing statute, unlicensed personnel cannot administer medications by injection. The Board voted to support both documents. School nurses and others have now requested clarification from the Board on what actions to take when directed to train unlicensed personnel to administer insulin.

Administration of insulin by unlicensed personnel in schools is a violation of the Nursing Practice Act (NPA) and subjects students to a different, and arguably lower and unsafe, standard of care. Board options to resolve the conflict between the CDE legal advisory and the NPA are being explored. Thus far, staff has participated in a meeting with the California School Nurses Organization, American Nurses Association-California, and California Nurses Association. On September 10, 2007, the Executive Officer, BRN staff, and representatives of the professional nursing organizations met with Superintendent Jack O'Connell and CDE staff to discuss the advisory. The Superintendent confirmed that the intent of the legal advisory was that unlicensed personnel were to be trained to administer insulin only after an exhaustive effort was made to conform with California law related to who is legally authorized to administer medication. He was unaware that this was not occurring, and requested that specific situations and documentation be submitted to CDE supporting that it is not. He took under advisement a request that clarifying information about the intent of the advisory be widely disseminated as soon as possible.

Staff proposes that, until resolution is obtained, the attached draft document, "Administration of Insulin in School by Unlicensed Personnel," reiterating the NPA and its regulations, be used in response to inquiries.

**Additional Background:** The legal advisory, consistent with previous CDE documents, specifies seven categories of persons who may administer insulin to eligible students pursuant to California law, Business and Professions Code section 2725(b)(2) and the California Code of Regulations, Title 5, section 604. They are:

1. Self administration by the student, with authorization of the student's licensed health care provider and parent/guardian;
2. School nurse or school physician employed by local educational agency (LEA);
3. Appropriately licensed school employee (i.e., a registered nurse or a licensed vocational nurse) who is supervised by a school physician or school nurse;
4. Contracted registered nurse or licensed vocational nurse from a private agency or registry, or by contract with a public health nurse employed by the local county health department;
5. Parent/guardian who so elects;
6. Parent/guardian designee, if parent/guardian so elects (volunteer);
7. Unlicensed voluntary school personnel with appropriate training, but only in an emergency.

California Department of Education determined, however, that there was a conflict between state and federal laws, i.e., federal law requires that insulin be administered to eligible students even if persons expressly authorized by California law are not available. CDE concluded that

the methodology followed by some local educational agencies (LEAs) of training unlicensed school employees to administer insulin during the school day to eligible students is a valid practice pursuant to federal law when California authorized personnel “are not available or feasible.” To reconcile the conflict and ensure provision of services, CDE added an eighth category of person authorized to administer insulin:

“Voluntary school employee who is unlicensed but who has been adequately trained to administer insulin pursuant to the student’s treating physician’s orders as required by the Section 504 Plan or the individual education plan (IEP).

Staff has identified several issues with the content of the advisory, including that it does not define “available” or “feasible”; does not state that the LEA must make an exhaustive effort to find an appropriately licensed person; and does not affirm that the expenses of services being rendered by an appropriately licensed person is not a valid reason for training an unlicensed person to administer insulin.

Several other issues and concerns related to CDE’s advisory are being explored, such as:

1. Does CDE have authority to issue a legal advisory advocating an action that violates state law and usurps the authority of the Board of Registered Nursing to regulate the practice of nursing in California?
2. Is a legislative remedy required to resolve the issue of insulin administration by unlicensed personnel, as was done with glucagon and epinephrine (Epi-Pen)?
3. Is the advisory subject to the regulatory review process?
4. What evidence is there supporting an assertion that there are not enough registered nurses or licensed vocational nurses to administer insulin in schools?

The proposed BRN response will be revised as necessary and other action taken dependent on the analysis and findings related to these issues.

**DRAFT**  
**ADMINISTRATION OF INSULIN IN SCHOOLS BY UNLICENSED PERSONNEL**  
**California Department of Education Case Settlement**  
**K.C. et al. v. Jack O’Connell, et al.**

The Board of Registered Nursing (BRN) is a state consumer protection agency and is statutorily authorized to interpret, implement, and enforce the Nursing Practice Act and its regulations.

Administration of medications, including insulin, is a nursing function that may not be performed by an unlicensed person unless expressly authorized by statute.

The California Department of Education recently issued a “Legal Advisory on the Right of Students with Diabetes in California’s K-12 Public Schools” (<http://www.cde.ca.gov/ls/he/hn/legaladvisory.asp>) pursuant to a lawsuit settlement agreement. The advisory identifies seven categories of persons authorized by California law to administer insulin in public and charter schools:

8. Self administration by the student, with authorization of the student’s licensed health care provider and parent/guardian;
9. School nurse or school physician employed by local educational agency (LEA);

10. Appropriately licensed school employee (i.e., a registered nurse or a licensed vocational nurse) who is supervised by a school physician or school nurse;
11. Contracted registered nurse or licensed vocational nurse from a private agency or registry, or by contract with a public health nurse employed by the local county health department;
12. Parent/guardian who so elects;
13. Parent/guardian designee, if parent/guardian so elects (volunteer);
14. Unlicensed voluntary school personnel with appropriate training, but only in an emergency.

The BRN agrees with the California Department of Education's (CDE) opinion regarding individuals authorized by California law to administer insulin. However, the legal advisory asserts that there is a conflict between federal and state law and, to resolve the conflict, adds an eighth category of individuals authorized to administer insulin to eligible students under specified conditions:

“Voluntary school employee who is unlicensed but who has been adequately trained to administer insulin pursuant to the student's treating physician's orders as required by the Section 504 Plan or the individual education plan (IEP).”

The BRN disagrees with CDE's position that federal law permits the administration of insulin by unlicensed personnel as specified in category eight. Although there may not be a school nurse available, contracted licensed staff can be used. Until the issue is resolved, the school nurse is required to adhere to the Nursing Practice Act and should:

1. Work collaboratively with the local educational agency, school district, and school site administrator to ensure that insulin is administered only by persons legally authorized to do so pursuant to California law. The expense of services being provided by a licensed person is not an acceptable rationale for training an unlicensed person.
2. Practice in accordance with the Standards of Competent Performance, which require that the school nurse conduct an assessment and formulate a plan of care for the client/student and determine if nursing care can be assigned/delegated to subordinates. If subordinates are included in the plan of care, they must be legally authorized to perform the task, appropriately prepared, and capable of performing the task. The school nurse must effectively supervise the care being provided by subordinates.
3. Notify the CDE and the BRN if instructed to train an unlicensed person to administer insulin and an exhaustive effort has not been made to have an appropriately licensed person administer it.

*Comments: The Board received numerous faxes/letters from concerned individuals; in addition, the following individuals were present at the Board meeting and provided input to the Board on this subject:*

*D. Parent, California School Nurses Organization, K. Bock, RN, P. Contini, J. Stone, R. Schmidt, D. Fox, CNA, J. Westerfeld, OSHPD, N. Spradling, California School Nurses Organization, J. Tupper Shearer, BS, PHN, RN, Jurupa Unified School District, H. Dumpel, National Director for Nursing Practice*

MSC: Guillen Dutton/Phillips that the Board defer this item to the Nursing Practice committee for further discussion at the next scheduled meeting, October 25, 2007. 7/0/0

***Agenda Reordered:***

**7.4 Information Only: Presentation of findings for RN Nurse Workforce Projections in California by UCSF Center for California Health Workforce Studies**

Dr. Joanne Spetz, PhD presented this report

Joanne Spetz, Ph.D. highlighted the key findings from the written report entitled *Forecasts of Registered Nurse Workforce in California* conducted by UCSF for the California Board of Registered Nursing in 2007.

The report presents the supply and demand RN workforce forecasts/projections for 2007-2030.

Forecasts are based on key data extracted from a variety of resources including:

- 2006 Survey of California Registered Nurses
- BRN licensing data
- California Employment Development Department
- California Office of Statewide Health Planning and Development
- California Department of Finance
- National numbers of RNs per 100,000 population from the U.S. Bureau of Health Professions 2004 National Sample Survey of RNs as reported in 2007

Dr. Spetz is an Associate Professor in the School of Nursing and Associate Director at the Center for California Health Workforce Studies, University of California, San Francisco.

Dr. Spetz thanked K. Daugherty for her hard work and assistance in gathering the information for the survey.

This information will be posted on the BRN website, and work will begin on the 2008 Survey of California RNs.

**7.3 Information Only: Update from the 2007 NCSBN Annual Meeting**

R. Terry presented this report

Attachments were provided to the Board which included Recommendations that were made on Bylaws and 2007 Candidates who were elected to the Board of Directors.

R. Terry thanked T. Hunter and M. Allen, co-executive directors from ANA/C, and H. Dumpel, National Director for Nursing Practice, (CNA) for attending Delegate Assembly. Their presence provides valuable input in the decision making process.

2008 Delegate Assembly will be held in Nashville, TN. NCSBN will be celebrating its 30<sup>th</sup> year anniversary!

## **7.5 Information Only: Tentative Board Meeting Dates and Locations for 2008**

R. Terry presented this report

Board Meeting Dates for 2008 are as follows:

<b>February 21-22, 2008</b>	<b>North</b>
<b>April 10-11, 2008</b>	<b>South</b>
<b>June 12-13</b>	<b>North</b>
<b>September 18-19, 2008</b>	<b>South</b>
<b>December 4-5, 2008</b>	<b>North</b>

## **8.0 REPORT OF THE LEGISLATIVE COMMITTEE**

L. Tate, Chairperson

### **8.1 Information Only: Adopt/Modify Positions on the following Bills, and any other Bills of Interest to the Board**

L. Bailey presented this report

L. Bailey recommended that the Board accept the recommendation from the Legislative Committee regarding bills that were previously discussed by the Board. The Legislative Committee believes the bills that have been amended would not alter or change the Board's previous position. The following bills have been sent to the Governor:

AB 249	Eng: Licensees: healing arts: settlement agreements
AB 1025	Bass: Professions and Vocations: Licensure
AB 1135	Strickland: State government: reports: declarations
AB 1559	Berryhill: Public Postsecondary Education: Degree Nursing Programs
SB 139	Scott: Nursing education
SB 1048	Committee on Business, Professions, and Economic Development: Healing Arts

MSC: Phillips/Corse that the Board accept the recommended positions on the above listed bills as submitted by the Legislative Committee 7/0/0

AB 64 Berg: Uniform Emergency Volunteer Health Practitioners Act  
Bill did not make it out of the Senate due to opposition.

SB 963 Ridley-Thomas: Regulatory boards: operations  
MSC: Phillips/Corse that the Board oppose SB 963. 7/0/0

## **9.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE**

G. Corse, Chairperson

## **9.1 Information Only: Enforcement Program Update and Statistics**

E. Hochberg presented this report

A copy of the Enforcement Program statistics for Fiscal Year 2006-2007 (July 2006 through June 2007) was provided for review.

Fiscal year statistics indicate that the 402 pleadings filed by the Attorney General's Office (AG) are the highest on record for the past six fiscal years and is 18.4% higher than last FY. The number of disciplinary actions at 306 is the second highest for the same time period and is up 20% from last FY. While there were substantially less referrals to the AG in the past fiscal year, the number of cases pending at the AG is also the second highest on record. It is anticipated that referrals to the AG will increase this fiscal year 2007/08 since all the case management analyst positions have been filled. DOI cases will also be more closely monitored as a result of filling these positions.

The Board will continue to monitor statistics, with special emphasis on the increasing caseload at the Attorney General's Office and the AG budget.

### **Update:**

Discipline Networking Call

FBI Audits for Criminal Background Check Data Security

The Disciplinary Resource Advisory Panel of the National Council of State Boards of Nursing has periodic conference calls on a variety of discipline related topics. The Enforcement Program invites Board staff to participate in these conference calls, which often times include representatives from 20-30 states.

On June 12, 2007, the topic was Federal Bureau of Investigation (FBI) audits of nursing boards for data security of the criminal record information that is maintained on applicants for licensure as well as licensees. Representatives from Wyoming and Nevada discussed the process used by the FBI to audit their boards that included: the types of questions asked of board staff, whether files were selected for review, and the FBI responses regarding maintenance of records.

The information provided was valuable. At this time, the Board has not been audited either on a state or federal level, for Criminal Offender Record Information (CORI) file security and maintenance.

## **9.2 Information Only: Diversion Program Update and Statistics**

C. Stanford presented this report

### **Program Update**

On July 11, 2007, the Diversion Program Manager and staff conducted an in-service training for the Enforcement Program staff. The training provided an overview of the confidential program for RNs whose practice may be impaired due to chemical dependency and/or mental illness. The training included the intake process, the role of the contractor, DEC's, closure status, public threat cases and how the two programs work together to meet the goal of public safety. During the question and answer period many topics were covered.

### **Contract Update**

All seven Boards are meeting bimonthly with DCA's Contract Unit to draft the Request for Proposal (RFP). The RFP will be released later this year for the next Diversion Program contract that will be awarded in 2008.

### **Diversion Evaluation Committees (DEC)**

There are currently eight vacancies as follows: three physicians, two public members and three registered nurses. Interviews were conducted and recommendations are included on today's agenda for approval. Recruitment efforts continue and interviews are scheduled.

### **Statistics**

A copy of the Monthly Statistical Summary Report for April thru June 2007 was provided for review. As of June 30th, there were 1,226 successful completions in the Diversion Program.

## **9.3 Information Only: Probation Program Update and Statistics**

C. Stanford presented this report

### **Program Update**

On May 21–23rd the Probation Manager and several staff attended the NCSBN Board Investigator and Attorney Workshop in San Francisco. The conference covered investigative procedures, successful prosecutions, ETG monitoring, and how to obtain records and information over the Internet. Training opportunities of this magnitude are difficult to find in state and all benefited by attending this conference.

On June 13th, the Probation Manager attended a CURES (Controlled Substance Utilization Review & Evaluation System) meeting. Dr. Jacob Khushigian was the guest speaker and spoke on the complex problems surrounding controlled substances and their proper and improper use. The Board is working with DOJ to implement the use of this specialized system.

### **Statistics**

Below are the current statistics for the Probation Program through July 6, 2007.

MALE	134
FEMALE	335
CHEMICAL DEPENDENCY CASES	265
PRACTICE CASES	143
SOUTHERN CALIFORNIA	231
NORTHERN CALIFORNIA	238
PENDING AT THE AG	74
ADVANCED CERTIFICATES	41
TOTAL IN-STATE PROBATIONERS	469

**9.4 Approve/Not Approve: (a) Diversion Evaluation Committee Member Appointment  
(b) Information Only: Diversion Evaluation Committee Resignations**

C. Stanford presented this report

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

**a) APPOINTMENT**

Below is the name of the candidate who is being recommended for appointment to the Diversion Evaluation Committee (DEC). Her application and résumé is attached. If appointed, her term will expire June 30, 2011.

<b>NAME</b>	<b>TITLE</b>	<b>DEC</b>	<b>NO.</b>
Mary Hegarty	Nurse	San Jose	7

**b) INFORMATION ONLY**

Below are the names of Diversion Evaluation Committee members who have had to resign for personal reasons. Their efforts are recognized and certificates and letters of appreciation on behalf of the Board are being mailed out.

<b>NAME</b>	<b>TITLE</b>	<b>DEC</b>	<b>NO.</b>
Diane Hayward	Public Member	Los Angeles	3
Richard Pass	Nurse	Palm Springs	6

The Board will continue recruiting efforts.

MSC: Phillips/Morales-Board that the Board approve the DEC member appointments, reappointments/term extensions/transfers. 7/0/0

**10.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE**

S. Phillips, for E. Dietz, Chairperson

**10.1 Approve/Not Approve: Education/Licensing Committee Recommendations:**

M. Minato presented this report

The Education/Licensing committee met on August 2, 2007 and makes the following recommendations:

Continue to Defer Action on Continuing Approval of Nursing Education Program:

- Maric College Associate Degree Nursing Program

MSC: Corse/Guillen Dutton that the Board approve the recommendations from the Education/Licensing Committee. 6/0/0

## **10.2 Ratify Minor Curriculum Revisions**

M. Minato presented this report

According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

The following programs have submitted minor curriculum revisions that have been approved by the NECs:

- Western University of Health Sciences, Entry Level Master's Degree Nursing Program
- Sonoma State University, Entry Level Master's Degree Nursing program
- California State University, East Bay, Baccalaureate Degree Nursing Program
- California State University, Long Beach, Baccalaureate Degree Nursing Program
- California State University, Sacramento, baccalaureate Degree Nursing Program
- Allan Hancock Associate Degree Nursing Program
- Chaffey College Associate Degree Nursing Program
- College of the Sequoias Associate Degree Nursing Program
- Grossmont College Associate Degree Nursing Program
- Merced College Associate Degree Nursing Program
- Shasta College Associate Degree Nursing Program

The following programs have submitted a progress report that has been accepted by the NECs:

- California State University, San Marcos, Baccalaureate Degree Nursing Program
- University of California, Irvine, Baccalaureate Degree Nursing Program
- Copper Mountain College Associate degree Nursing Program
- Mira Costa College, LVN to RN Associate Degree Nursing Program

MSC: Corse/Morales-Board that the Board approve the minor curriculum revisions. 7/0/0

## **10.3 Accept/Not Accept Feasibility Study for Everest College Associate Degree Nursing Program**

M. Minato presented this report

Everest College is a member of the Corinthian Colleges, Inc. (CCI) educational system. This for profit institution was originally established in Rancho Cucamonga, CA in 2001. In May 2006 the college relocated to Ontario, CA. The college is accredited by the Accrediting Council of Independent Colleges and Schools (ACICS) and by the Bureau for Private and Post-secondary Vocational Education (BPPVE). Additionally, Everest College will achieve regional accreditation in 2008, which will allow students to continue with their professional education.

Everest College has a current staff of 82 persons, including 47 full time and adjunct faculty members. It currently offers Bachelor degrees in Administrative Management, Business, and Criminal Justice. In addition, the college offers Associate of Science degrees in Accounting, business, Criminal Justice and Paralegal. Since the first graduating class in 2002, nearly 950 graduates have earned their Associate of Science degrees. Accreditation for Bachelor's degrees was awarded in 2006. Everest College is submitting this feasibility study for a proposed generic Associate Degree Nursing Program.

The feasibility study describes the targeted geographical area, Inland Empire (Riverside and San Bernardino Counties) that Everest College ADN Program plans to serve. The study describes the need for access to nursing education and to respond to the increased waiting time for qualified applicants admissions into a nursing program.

The feasibility study lists 12 LVN programs, 5 ADN programs, and 5 BSN/ELM programs within the 25 mile-perimeter of Everest College. The list of clinical facilities includes 23 hospitals and 22 extended care facilities, including rehabilitation and behavior therapy centers.

Monies have been allocated by Corinthian Colleges, Inc. for the building of the nursing space at the Ontario campus, and the construction is to start in mid-June 2007. There is a budget plan, Return on Investment (ROI) that was submitted for allocation of monies for the program's first three years.

The campus has existing classrooms, library and computer labs which the nursing program will share with other campus offices. The budget includes plans to add CINHL and EBSCO online databases to the current library resources.

MSC: Morales-Board/Corse that the Board accept the Feasibility Study for Everest College 7/0/0

#### **10.4 Approve/Not Approve Proposed Clinical Nurse Specialist (CNS) Regulations**

A. Takahashi presented this report

The Education/Licensing Committee met on August 2, 2007 and recommends the adoption of the proposed CNS regulations.

The CNSTF met on 9/13/06 for the purpose of developing regulations for the CNS statute, B&P section 2838. The task force reviewed articles for the purpose of reviewing Board accepted national standards, and how to participate in the rulemaking process. The task force also reviewed CNS regulations from other states and the Model Rules and Regulations for CNS Practice that were developed by their national organization, the National Association of Clinical Nurse Specialists (NACNS).

The task force in developing these regulations sought to emphasize the distinguishing factor between the CNS and other masters' prepared nurses, which are the five major components of the CNS role; expert clinical practice, education, research, consultation, and clinical leadership. The essence of CNS practice is clinical nursing expertise in diagnosis and treatment to prevent, ameliorate, or alleviate illness and promote health with a defined specialty population. The second concept was to emphasize the three spheres of influence; the patient/client sphere, nurses and nursing practice sphere, and the organization/system which are integral to CNS education and practice.

#### **Organization of CNS Regulations**

1500 Definitions of CNS and the five major components of CNS practice

Defines CNS, the five major components of CNS practice, and holding out language.

### **1501 Requirements for Holding Out As A CNS**

As specified in statute, there are two methods for holding out as a CNS based on possession of a master's or higher degree in nursing or a master's or higher degree in a clinical field related to nursing.

### **1502 Standards for CNS Education**

This section sets the standards for CNS education by accepting the national standards of the American Association of Colleges of Nursing (AACN) which accredits baccalaureate and higher nursing education programs. The national standard of a minimum of 500 hours of supervised clinical and identifying the three spheres of influence are contained in this section.

### **1503 Clinical Nurse Specialist Specialization**

The Board currently issues a generic CNS certificate. This section allows the option of the CNS identifying a practice area of specialization when appropriate documentation is submitted and accepted by the board.

### **1504-1505, Evaluation of Credentials and Renewal of CNS Certificate**

Establishes the process and timeframes for CNS application, board evaluation of applications and the renewal requirements.

The regulatory proposal will also amend CCR Section 1417, Fees, by adding (a) (26) and (a) (27) specifying the fees for initial and renewal of CNS certification.

The proposed regulations will require changes to be made to the CNS application.

MSC: Corse/Tate that the Board approve the proposed CNS regulations. 7/0/0

## **10.5 Information Only: Education Advisory Committee Report**

M. Minato presented this report

The BRN Education Advisory Committee met on May 24, 2007 to update the questions on the 2006-2007 BRN Annual School Report. Changes to improve the functionality of the survey were made at that time.

A new section, containing simulation lab questions, will be added to the online survey. These questions will replace the paper/pencil BRN surveys conducted during May 2007 and January 2006.

The 2006-2007 BRN Annual School Survey will be administered online by the Research Center at UCSF during October 2007. The BRN Annual School Report will be submitted to the Board during February 2008.

## **10.6 Information Only: Report on Clinical Simulation Center Survey, May 2007**

M. Minato presented this report

A second Clinical Simulation Center (CSC) Survey was conducted on May 2007 as a follow up survey done in January 2006 to obtain most current information clinical simulation centers and

clinical simulation experiences in the California prelicensure nursing programs. A copy of the survey results was provided to the Board members for review.

The survey response rate was 62.9% with 73 of the 116 approved prelicensure nursing schools responding. The response rate was slightly lower than the first survey possibly due to the timing of the survey being sent at the end of the academic year. Below are the highlights from the summary:

- 48 (65.7%) of the schools reported using hi-fidelity mannequin for simulation experiences.
- 37 (50.7%) of the schools reported having Enhanced Skills (ES) Lab.
- 25 (39.6%) of the 63 schools that own a simulator have a RN or RN faculty who is hired to work from 3 to 40 hr/wk, with an average of 21 – 22 hr/wk.
- 22 (47.8%) of the schools that either had CSC or ES Lab reported having the lab opened from 31 to 40 hr/wk.
- 27 (40%) of the schools reported that they had started integration and simulation, 28 (38.4%) of the schools reported wanting to increase the use of simulation, and 18 (24.6%) planned to implement simulation in Fall 2007. Approximately 75% of those responding would include some type of simulation experiences by Fall 2007.
- Program needs for implementing simulation experiences included additional training or continued training (56.2%), writing scenarios (23.3%), equipment and funding (15%), and hiring a coordinator (13.7%).
- 31 (46%) of the schools responded they did not have any simulation being done in their program.

There will be a new section added to the Annual School Survey containing simulation lab questions to the online survey, which will replace the paper/pencil surveys.

## **10.7 Information Only: Update on NCLEX International Testing**

M. Minato presented this report

On August 13, 2007 the National Council of State Boards of Nursing (NCSBN) began testing in Manila, the capital city of the Philippines. NCSBN began International NCLEX® testing January 1, 2005 at three sites: London, England; Seoul, Korea; and Hong Kong, China. Fourteen additional sites were opened in the first part of 2006. On September 16, 2006, the Puerto Rico testing center became a testing site as Puerto Rico is no longer a Member Board. There are now 19 testing centers in 12 countries. In August 2007, the NCSBN reported the highest volume of candidates testing at international test centers *by country of education* included the Philippines (6,696), followed by India (2,805) and South Korea (2,597).

*For fiscal year July 1, 2006-June 30, 2007*, California-RN board statistics indicate a total of 11,144 *first time internationally educated* candidates took the exam with a pass rate of 47.4%. Another 9,945 *repeat internationally educated* candidates took the RN exam with a pass rate of 21.0% during California's 2006-2007 fiscal year.

The Board staff continues to monitor the impact of international testing on the workload within the Board's Licensing unit since internationally educated applicants are the most complex to evaluate. California also continues to serve as a "pass through" state for international applicants

since it is one of the few states that does not require the examination by the Commission on Graduates of Foreign Nursing Programs (CGFNS) in order to be made eligible for the NCLEX® exam. As a result, some applicants obtain licenses in California and subsequently endorse to another state.

### **10.8 Information Only: NCLEX Pass Rate Update**

K. Daugherty presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

#### **NCLEX RESULTS – FIRST TIME CANDIDATES July 1, 2006 – June 30, 2007**

<b>JURISDICTION</b>	<b>TOTAL TAKING TEST</b>	<b>PERCENT PASSED %</b>
California	8,330	88.21
United States and Territories	114,762	87.61

#### **CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES By Quarters and Year – July 1, 2006- June 30, 2007**

<i>07/01/06- 09/30/06*</i>		<i>10/01/06- 12/31/06*</i>		<i>01/01/07- 03/31/07*</i>		<i>04/01/07- 06/30/07*^</i>		<i>07/01/06- 06/30/07*</i>	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
3,430	88.54	523	79.35	2,739	90.00	1,638	87.36	8,330	88.21

\*Includes (4), (12), (5) & (6) “re-entry” candidates

^Revised NCLEX-RN Test Plan and passing standard (-0.21 logits) implemented April 1, 2007

The Nursing Education Consultants monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year, if there is substandard performance (below 70% pass rate for first time candidates), the NEC requests that the program director submit a report outlining the program's action plan to address this substandard performance. Should this substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

The Board will continue to monitor results

### **11.0 Report of the Nursing Practice Committee** S. Phillips, Chairperson

**11.1 Information Only: Medical Board of California and Board of Registered Nursing Joint Forum on the Use of Lasers for Cosmetic Procedures**

L. Bailey presented this report

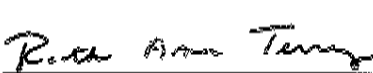
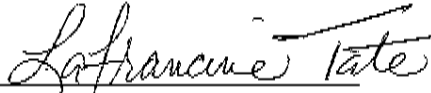
SB 1423 (Figueroa; Chapter 873, Stats 2006) added section 2023.5 to the Business and Professions Code, which requires the Medical Board in conjunction with the Board of Registered Nursing and in consultation with the Physician Assistant Committee and professionals in the field shall review issues and problems surrounding the use of laser or intense light pulse devices for elective cosmetic procedures by physicians and surgeons, nurses, and physician assistants.

Two forums have been held to date, August 30, 2007 and September 13, 2007. A copy of the agenda from the two forums was provided for review. The last forum will be held on October 31, 2007.

**12.0 Public Forum**

G. Clavreaul

Meeting Adjourned at 1:15 p.m.

 <u>m.p.h., R.N.</u>	
Ruth Ann Terry, MPH, RN	L. Tate
Executive Officer	President